

SAMHSA

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TO: Administrator
Through: Director, Office of Policy, Planning, and Innovation (OPPI)

FROM: Senior Advisor for Tribal Affairs

SUBJECT: The Substance Abuse and Mental Health Services Administration (SAMHSA) Tribal Technical Advisory Committee (TTAC) Charter Revision — Decision

ISSUE

The SAMHSA TTAC charter has been revised and requires approval.

BACKGROUND

In 2006, SAMHSA began consulting with tribes on the development and purpose for a tribal advisory committee comprised of tribal leaders and in February 2008, the TTAC and SAMHSA approved a governing charter.

The revised charter has been updated to reflect alignment with the Secretary's Tribal Advisory Committee charter, emphasizes the Federal Advisory Committee Act exemptions for federal committees comprised of elected tribal officials, removed inaccurate actions i.e. payment of an honorarium, and clarified the selection process.

The TTAC has reviewed and commented on the revised TTAC charter, and the revised charter was the topic for a "Dear Tribal Leader" (DTL) letter sent on July 7, 2014 with an August 29, 2014 response deadline. No public comments were received for the document. The Office of General Counsel has been consulted throughout the revision process and has cleared this final revision.

RECOMMENDATION

OPPI recommends approval of the revised 2008 SAMHSA TTAC charter. The revised charter strengthens the committee's advisory role and responsibilities. Once approved, a DTL letter will be sent to tribes and the document will be posted on the SAMHSA Tribal Affairs webpage.

- Administrator

DECISION

Approved  Disapproved _____ Need More Information _____



Pamela S. Hyde, J.D.

Date 1/30/15

SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES ADMINISTRATION
TRIBAL TECHNICAL ADVISORY COMMITTEE

CHARTER

Background

The federal delivery of services and resources to maintain and improve the behavioral health of American Indians and Alaska Natives (AI/AN) is consonant with and required by the federal government's historical and unique legal relationship with Indian tribes, as reflected in the Constitution of the United States, legislation, and federal policy. In recognition of this unique government-to-government relationship and pursuant to Presidential Executive Order No. 13 175 dated November 6, 2000, the Presidential Memorandum of September 23, 2004, and the Presidential Memorandum of November 5, 2009, the Substance Abuse and Mental Health Services Administration (SAMHSA) established the Tribal Technical Advisory Committee (TTAC).

Purpose and Function

SAMHSA acknowledges the importance of fostering an environment for working with federally recognized tribes that enhances the government-to-government relationship and honors the federal trust responsibilities and obligations to tribes.

The SAMI-ISA TTAC shall serve as an advisory body to SAMHSA on policy, process, and the delivery of behavioral health resources and services funded (in whole or in part) by SAMHSA. The TTAC will provide a complementary venue wherein elected tribal officials, acting in their official governmental capacity (or their designated employee acting on their behalf) and SAMHSA staff will exchange information concerning tribal public health issues, identifying urgent mental health or substance abuse needs, and collaborative approaches to addressing these issues and needs.

The SAMHSA TTAC charter activities will comply with the statutory provisions set forth in 2 U.S.C. § 1534(b) (1) & (2), and therefore will not implicate the Federal Advisory Committee Act (FACA). Title 2 U.S.C. § 1534 (b) provides:

The Federal Advisory Committee Act (5 U.S.C. app.) shall not apply to actions in support of intergovernmental communications where — (1) meetings are held exclusively between Federal officials and elected officers of State, local and Tribal governments (or their designated employees with authority to act on their behalf) acting in their official capacities; and (2) such meetings are solely for the purposes of exchanging views, information, or advice relating to the management or implementation of Federal programs established pursuant to public law that explicitly or inherently share intergovernmental responsibilities or administration.

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The TTAC provides a forum for meetings between federal officials and appointed tribal leaders (or their designated employees with authority to act on their behalf) in compliance with the FACA exemptions. The TTAC will meet to facilitate the exchange of views, information, or advice concerning the implementation and/or administration of SAMHSA resources and services, including those that arise explicitly or implicitly under statute, regulation or Executive Order. TTAC meetings will complement and not supplant the formal tribal consultation process between SAMHSA and tribes.

The relationship between SAMHSA and the TTAC is built upon informed and thoughtful discussions on AVAN behavioral health needs. The TTAC will be an effective communicator on SAW-ISA's behavioral health work, for the AVAN population and with tribes, through linkages to other tribal and federal activities. The TTAC will establish priorities, not to exceed two fiscal years that support SAMHSA's initiatives. The TTAC priorities will be included as standing meeting agenda items for discussion on progress achieved.

Composition

The TTAC will be composed of 12 primary and alternate representatives. Each TTAC representative is an elected or traditionally appointed tribal government official. In addition, the TTAC will include two at large representatives, tribal leaders who have experience related to national AVAN behavioral health concerns. Further, a seated TTAC representative may designate a tribal employee, who is authorized in writing to act on behalf of the tribe, to represent the TTAC representative at formally announced meetings.

Chair: A Chair will be elected by the SAMHSA TTAC members from the TTAC membership for a two-year term of service. The number of eligible terms a member can serve is not limited.

Co-Chair: The Co-Chair will be elected by the SAMHSA TTAC members from the TTAC membership for a two-year term of service. The number of terms a member can serve is not limited.

Primary and Alternate Representative: A primary and alternate representative is an elected or traditionally appointed tribal government official who has the ability to represent the views of their tribe and of the tribes within the respective geographic area for which they are nominated.

National At Large Representative: At large primary and alternate representatives are elected or traditionally appointed tribal government officials qualified to represent the views of their tribe and of tribes from a national perspective. The TTAC includes two at large representative positions.

Tribal Technical Advisor: The tribal technical advisor is a subject matter expert selected by the TTAC members to assist them in their TTAC roles. The technical advisor is not a member of the TTAC. The technical advisor may attend TTAC meetings as an observer.

Tribal Employee Designee: A seated primary or alternate TTAC member may request in writing that a tribal employee participate in a TTAC meeting when that primary or alternate member is not able to attend. A letter of delegation that acknowledges the tribal employee has the ability to speak on behalf of the tribe and will be participating on behalf of the TTAC member must be submitted to SAMHSA.

Selection Process

The TTAC membership will include elected tribal officials from tribes within the 12 geographic areas served by the Indian Health Service (IHS). These IHS service areas include the following

- Aberdeen
- Alaska
- Albuquerque
- Bemidji
- Billings ● California
- Nashville
- Navajo
- Oklahoma
- Phoenix
- Portland

- Tucson

The selection of nominees shall be prioritized as follows:

1. Tribal President/Chairperson/Governor
2. Tribal Vice-President/ Vice-Chairperson/Lt. Governor
3. Other elected or traditionally appointed Tribal Official

When there are multiple nominees within a priority category, consideration will be given to the nominee with his/her tribe's endorsement and a letter of support from a tribal organization. A nominee shall submit a letter of nomination from his/her tribe, a brief biography, and a completed contact form to the SAMHSA Senior Advisor for Tribal Affairs. The Senior Advisor will begin the internal approval process and within 30 days of receipt the Administrator shall make a decision. The Senior Advisor will inform the TTAC nominee of selection decision.

Period of Service

The TTAC membership term will coincide with each member's elected leadership term.

Vacancy: When a vacancy occurs, SAMHSA will notify tribes in the respective geographic area and request nominations. Tribes, individual tribal leaders, tribal health boards, and national

AVAN organizations may notify SAMHSA in writing with the name and contact information of a nominee within 45 days of the announced vacancy. In the event of a primary representative vacancy, the alternate representative will attend meetings until such a time as the primary vacancy is officially filled.

Removal: A designated representative must make a good faith effort to participate in all meetings and conference calls. If a TTAC representative does not participate in a formally called meeting or teleconference on three successive occasions, the TTAC representative and appointing body will be notified by SAMHSA of the basis for removal and effective date. The process for selection will begin as outlined in this document.

Interim Representative: When there is a primary representative position vacancy, for which an alternate representative is serving, SAMHSA will notify the alternate and request the alternate to fulfill the primary responsibilities while the search for a primary representative is conducted.

Meetings

Depending on the availability of funds, the TTAC will convene a minimum of two meetings per year, at least one of which shall be a full day face-to-face meeting. Full day meetings will be convened at SAMHSA headquarters, unless otherwise noted. TTAC conference calls and additional meetings - in person or via webcast - may be held as needed and pending the availability of funds.

In addition to the full day face-to-face TTAC meeting, the TTAC will participate in a one-day SAMHSA Joint National Advisory Councils (NAC) meeting. The purpose of the Joint NAC meeting is to share behavioral health information among SAMHSA's five standing NAC and senior leadership. SAMHSA will provide on-site meeting coordination for all TTAC and Joint NAC meetings.

Quorum: A quorum is established when a majority of seated voting members is present either in person or via telephone or other electronic means. In the event the TTAC is not able to establish a quorum, follow up arrangements for the polling of members on discussion items may occur via conference call or other manner.

Voting: The TTAC will operate by consensus and where a consensus cannot be reached, the TTAC will vote to resolve any differences. Each TTAC member will be allowed one vote; however, if both area representatives are in attendance only the primary representative may vote. Designated tribal employees acting on behalf of the TTAC representative and Tribal Technical Advisors do not have voting privileges. Voting via e-mail can occur after SAMHSA provides notice to all primary members and sets forth the topic for decision. All voting via e-mail will have a two-day time limit with time and date identified on the email response. A majority vote of seated representatives is required and immediate reporting of the vote will be provided. No proxy voting for such ballots will be allowed.

Compensation: TTAC representatives shall receive the following compensation for a face to face meeting: per diem and travel expenses in accordance with Standard Government Travel Regulations. Only the primary representative shall receive compensation in the event a primary and alternate representative both attend a meeting. If a primary representative is unable to attend a meeting, the alternate or designated tribal employee may attend and travel expenses will be covered by SAMHSA. A Tribal Technical Advisor's attendance at a TTAC meeting is an expense of the TTAC representative's tribe.

Meeting Minutes: The TTAC meeting minutes will reflect discussion highlights and recommended follow-up actions. The recommended follow-up actions requiring federal action and/or attention will be implemented and tracked within SAMHSA and reported to the TTAC in a timely manner. SAMHSA will make every effort to share the meeting minutes with the TTAC within 30 business days following the meeting.

SAMHSA Support

SAMHSA's Office of Policy, Planning and Innovation will be responsible for ensuring agencywide adherence to SAMHSA and the U.S. Department of Health and Human Services tribal consultation policies. The TTAC designated federal official will be the Senior Advisor for Tribal Affairs, who supports the TTAC functions and ensures SAMHSA staff and technical experts are available as TTAC resources. SAMHSA staff and technical experts shall provide leadership, technical assistance, and subject matter expertise to the TTAC in carrying out its duties and responsibilities.

The TTAC is a high-level SAMHSA advisory committee. The Administrator, executive leadership, or their designee shall prioritize attendance at the TTAC meetings. In addition to the executive leadership, other SAMHSA staff with particular programmatic and technical expertise shall be available and responsive to issues and inquiries raised by the TTAC. SAMHSA staff participation is foundational for the establishment of a trust relationship with tribes. The advice provided by tribal leaders will impact the SAMHSA decision-making processes and help guide SAMHSA as it strives to address AVAN behavioral health needs.

Dissolution

This charter shall be effective as long as there is a SAMHSA Tribal Consultation Policy in effect. This charter may be amended as needed.

Amended this date

Pamela S. Hyde, J.D.
Administrator

